



House of Representatives

General Assembly

File No. 619

January Session, 2013

Substitute House Bill No. 5183

House of Representatives, April 24, 2013

The Committee on Finance, Revenue and Bonding reported through REP. WIDLITZ of the 98th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING REGISTRATION OF ALL-TERRAIN VEHICLES
AND ESTABLISHING AN ALL-TERRAIN VEHICLE DIVISION WITHIN
THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL
PROTECTION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-381 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 Any owner required to register a snowmobile or all-terrain vehicle
4 shall apply to the commissioner and shall file evidence of ownership
5 by affidavit or document. Upon receipt of an application in proper
6 form and the registration fee, the commissioner shall assign an
7 identification number and provide the owner with a certificate of
8 registration and registration plate. The registration plate, which shall
9 be affixed by the owner, shall be displayed on the snowmobile or all-
10 terrain vehicle at a place and in a manner prescribed by the
11 commissioner. In addition to such registration plate, each snowmobile

12 and all-terrain vehicle so registered shall display its registration
13 number on each side of its front section, midway between the top and
14 bottom of said front section, in letters or numbers at least three inches
15 in height and made of a reflective material. The certificate of
16 registration shall be carried on such snowmobile or all-terrain vehicle
17 and shall be available for inspection whenever such snowmobile or all-
18 terrain vehicle is being operated. The owner shall pay a fee of twenty
19 dollars for each snowmobile or forty dollars for each all-terrain vehicle
20 so registered. Fifty per cent of each all-terrain vehicle registration fee
21 shall be deposited in the all-terrain vehicle account established in
22 section 2 of this act. At the time of registration of any all-terrain
23 vehicle, the owner of such all-terrain vehicle shall pay a land purchase
24 fee of five dollars, the proceeds of which shall be used by the All-
25 Terrain Vehicle Division within the Department of Energy and
26 Environmental Protection, established in section 2 of this act, to
27 purchase land specifically for use by all-terrain vehicles. Each such
28 certificate of registration shall expire biennially on the last day of
29 March.

30 Sec. 2. (NEW) (*Effective October 1, 2013*) (a) There is established an
31 All-Terrain Vehicle Division within the Department of Energy and
32 Environmental Protection. The division shall create and maintain all-
33 terrain vehicle trails, assist in all-terrain vehicle law enforcement and
34 fund grants and related activities including safety and education
35 classes for persons who operate all-terrain vehicles.

36 (b) There is established an account to be known as the "all-terrain
37 vehicle account" which shall be a separate, nonlapsing account within
38 the General Fund. The account shall contain any moneys required by
39 law to be deposited in the account. Moneys in the account shall be
40 expended by the division for the purposes of creating and maintaining
41 all-terrain vehicle trails, assisting in all-terrain vehicle law enforcement
42 and funding grants and related activities pursuant to subsection (a) of
43 this section. Any moneys contained in said account not needed for the
44 purposes of said account shall be transferred to the maintenance,
45 repair and improvement account established in section 23-15b of the

46 general statutes for maintaining, making improvements to, erecting
47 structures on or repairing the property, including houses and other
48 buildings, of state parks.

49 Sec. 3. (NEW) (*Effective October 1, 2013, and applicable to violations*
50 *committed on or after said date*) (a) (1) No person shall sell, register or
51 operate in this state a motorcycle, as defined in section 14-1 of the
52 general statutes, that does not have prominently displayed on such
53 motorcycle and its exhaust system the applicable federal
54 Environmental Protection Agency labels required pursuant to 40 CFR
55 205, Subparts D and E.

56 (2) No person shall sell, install or modify an exhaust system after the
57 sale of a motorcycle unless such exhaust system has prominently
58 displayed on it the applicable federal Environmental Protection
59 Agency exhaust system label required pursuant to 40 CFR 205, Subpart
60 E.

61 (b) Nothing in this section shall relieve any person from such
62 person's obligation to comply with the provisions of section 14-80 of
63 the general statutes.

64 (c) Any person who violates the provisions of subsection (a) of this
65 section shall be fined not less than fifty dollars or more than one
66 hundred dollars for a first offense, and not less than one hundred
67 dollars or more than two hundred fifty dollars for each subsequent
68 offense.

69 Sec. 4. Subsection (g) of section 13b-59 of the general statutes is
70 repealed and the following is substituted in lieu thereof (*Effective*
71 *October 1, 2013*):

72 (g) "Motor vehicle related fines, penalties or other charges" means
73 all fines, penalties or other charges required by, or levied pursuant to
74 subsection (a) of section 14-12, except for subdivision (2) of said
75 subsection (a), sections 14-12s, 14-13, 14-16, 14-17, 14-18, 14-26, 14-27
76 and 14-29, subsection (d) of section 14-35 and sections 14-36, 14-39,

77 14-43, 14-45, 14-64, 14-80, 14-81, 14-97, 14-98, 14-99, 14-101, 14-102,
78 14-103, 14-104, 14-105, 14-106, 14-110, 14-111, 14-112, 14-137a, 14-140,
79 14-145, 14-146, 14-147, 14-148, 14-149, 14-150, 14-151, 14-152, 14-161,
80 subsection (f) of section 14-164i, 14-196, 14-197, 14-198, 14-213, 14-214,
81 14-215, 14-216, 14-217, 14-218a, 14-219, 14-220, 14-221, 14-222, 14-223,
82 14-224, 14-225, 14-226, 14-228, 14-230, 14-231, 14-232, 14-233, 14-234,
83 14-235, 14-236, 14-237, 14-238, 14-239, 14-240, 14-241, 14-242, 14-243,
84 14-244, 14-245, 14-246a, 14-247, 14-249, 14-250, 14-257, 14-260, 14-261,
85 14-262, 14-264, 14-267a, 14-269, subsection (g) of section 14-270,
86 sections 14-271, 14-273, 14-274, 14-275, 14-276, 14-277, 14-280, 14-281,
87 14-282, 14-283, 14-285, 14-286, 14-295, 14-296, 14-300, 14-314, 14-329,
88 14-331, 14-342, 14-386, 14-386a, 14-387, section 3 of this act, 15-7, 15-8,
89 15-9, 15-25 and 15-33;

90 Sec. 5. Subsection (b) of section 51-164n of the general statutes is
91 repealed and the following is substituted in lieu thereof (*Effective*
92 *October 1, 2013*):

93 (b) Notwithstanding any provision of the general statutes, any
94 person who is alleged to have committed (1) a violation under the
95 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
96 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-
97 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,
98 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
99 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
100 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
101 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
102 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
103 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
104 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
105 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
106 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
107 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
108 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
109 14-153 or 14-163b, a first violation as specified in subsection (f) of
110 section 14-164i, section 14-219 as specified in subsection (e) of said

111 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
112 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
113 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)
114 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-
115 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of
116 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,
117 subsection (a) of section 15-115, section 16-44, 16-256, 16-256e, 16a-15 or
118 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,
119 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-
120 734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or
121 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-
122 107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-
123 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-
124 425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-
125 324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39,
126 21-43, 21-47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19,
127 section 21a-21, subdivision (1) of subsection (b) of section 21a-25,
128 section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-
129 46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section
130 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159,
131 subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15,
132 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-
133 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-
134 111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-
135 342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366,
136 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of
137 section 22a-250, subsection (e) of section 22a-256h, section 22a-363, 22a-
138 381d, 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or
139 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40,
140 subsection (a) of section 25-43, section 25-135, 26-18, 26-19, 26-21, 26-31,
141 26-40, 26-40a, 26-42, 26-49, 26-54, 26-56, 26-58 or 26-59, subdivision (1)
142 of subsection (d) of section 26-61, section 26-64, subdivision (1) of
143 section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-
144 104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141,
145 subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-

146 224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232,
 147 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294,
 148 28-13, 29-6a, 29-25, 29-109, 29-143o, 29-143z or 29-156a, subsection (b),
 149 (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision
 150 (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of
 151 section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-
 152 10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-
 153 32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52,
 154 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-
 155 74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-
 156 273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-
 157 230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of
 158 section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-
 159 8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-
 160 302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450,
 161 or section 3 of this act, or (2) a violation under the provisions of
 162 chapter 268, or (3) a violation of any regulation adopted in accordance
 163 with the provisions of section 12-484, 12-487 or 13b-410, or (4) a
 164 violation of any ordinance, regulation or bylaw of any town, city or
 165 borough, except violations of building codes and the health code, for
 166 which the penalty exceeds ninety dollars but does not exceed two
 167 hundred fifty dollars, unless such town, city or borough has
 168 established a payment and hearing procedure for such violation
 169 pursuant to section 7-152c, shall follow the procedures set forth in this
 170 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	14-381
Sec. 2	<i>October 1, 2013</i>	New section
Sec. 3	<i>October 1, 2013, and applicable to violations committed on or after said date</i>	New section
Sec. 4	<i>October 1, 2013</i>	13b-59(g)
Sec. 5	<i>October 1, 2013</i>	51-164n(b)

FIN *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Department of Energy and Environmental Protection	GF - Revenue Gain	At least 38,000	At least 38,000
Department of Motor Vehicles	TF - Potential Cost	See Below	See Below
Judicial Dept.	TF - Potential Revenue Gain	See Below	See Below

Municipal Impact: None

Explanation

The bill is anticipated to result in a revenue gain of at least \$38,000 in both FY 14 and FY 15 for the Department of Energy and Environmental Protection (DEEP).

The bill increases the biennial registration fee for all-terrain vehicles (ATV's), from \$20 to \$40, and directs 50% of this revenue to a newly established "ATV" account. This is anticipated to result in a revenue gain of approximately \$30,000 annually, based on an estimated 1,525 ATV's registered.¹ It is estimated that a significant number of ATV's are unregistered.

Additionally, the bill results in a revenue gain of approximately \$7,500 annually as it requires registrants pay an additional \$5 land purchase fee. This fee is to be used by the newly established ATV division of DEEP to purchase land specifically for ATV use.

¹ This is an average of 1,650 ATV's registered in FY 11 and 1,400 ATV's registered in FY 12 according to the Department of Motor Vehicle registry.

The bill also requires motorcycles with certain exhaust systems to display a U.S. Environmental Protection Agency (EPA) noise emissions label and establishes a fine between \$50 and \$250 for those motorcycles that do not display the label, which is anticipated to result in a potential revenue gain to the Special Transportation Fund. The full impact is indeterminate as this is a new offense. It is also anticipated that the Department of Motor Vehicles (DMV) will administer the EPA labels which may result in a minimal cost to the DMV.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5183*****AN ACT CONCERNING REGISTRATION OF ALL-TERRAIN VEHICLES AND ESTABLISHING AN ALL-TERRAIN VEHICLE DIVISION WITHIN THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.*****SUMMARY:**

This bill creates an All-Terrain Vehicle (ATV) Division within the Department of Energy and Environmental Protection (DEEP) to (1) create and maintain ATV trails, (2) assist with ATV law enforcement, and (3) fund grants and activities for such things as safety and education classes for ATV operators.

The bill increases, from \$20 to \$40, the biennial ATV registration fee and requires half of the fee to be deposited into a new "all-terrain vehicle account" for use by the ATV Division. It also requires ATV owners to pay a \$5 "land purchase fee" at each registration. The division must use the proceeds to purchase land for ATV use.

The bill also makes it illegal to sell, register, or operate a motorcycle or sell, install, or modify a motorcycle exhaust system without a U.S. Environmental Protection Agency (EPA) noise emission control label affixed. It subjects violators to fines of between \$50 and \$250, depending on the offense. The fines must be deposited in the Special Transportation Fund.

EFFECTIVE DATE: October 1, 2013, with the fine for failing to display the EPA noise emission control label applicable to violations committed on or after that date.

ATV REGISTRATION***Fee***

By law, Connecticut residents must register their ATVs with the motor vehicles commissioner if they plan to operate them on land they do not own or lease.

The bill increases, from \$20 to \$40, the biennial ATV registration fee and requires 50% of the fee to be deposited in an ATV account, which the bill creates (see below).

For registration purposes, an ATV is a self-propelled vehicle designed to travel over unimproved terrain and unsuitable for use on public highways, as determined by the motor vehicles commissioner (CGS § 14-379). ATVs are defined more restrictively, however, for operation on state land. For this purpose, an ATV is a motorized vehicle unsuitable for operation on a highway that, among other things, (1) is no more than 50 inches wide, (2) weighs no more than 600 pounds, and (3) has an engine with a piston displacement of over 50 cubic centimeters (CGS § 23-26a). It is unclear which definition would apply to ATVs using the land DEEP's ATV Division would purchase under the bill.

ATV Account

The bill creates an ATV account as a separate nonlapsing account within the General Fund. The account must contain any money the law requires to be deposited in it.

The bill requires the ATV Division to use the account funds for (1) creating and maintaining ATV trails, (2) assisting with ATV law enforcement, and (3) funding grants and related activities. It allows excess funds to be transferred to the General Fund's maintenance, repair, and improvement account to be used for maintaining, improving, repairing, or erecting structures on state park property, such as houses or buildings.

State law already requires the DEEP commissioner to evaluate and make available some state land for ATV use. He must consider minimizing the ATVs' impact on the environment and consult with the state agency that owns the land before making it available to ATV

operators (CGS § 23-26c).

MOTORCYCLE EXHAUST SYSTEM LABEL

The bill prohibits selling, registering, or operating a motorcycle in Connecticut without prominently displayed EPA noise emission control labels on the motorcycle and its exhaust system. It also prohibits selling, installing, or modifying a motorcycle exhaust system after a motorcycle is sold unless the exhaust system has a prominently displayed EPA noise emission control label (see BACKGROUND).

Violators are subject to a fine of between \$50 and \$100 for a first offense, and between \$100 and \$250 for subsequent offenses. Existing law also subjects these violators to a surcharge of 50% of the fine amount (CGS § 13b-70). The bill allows violators to pay the fine by mail to the Centralized Infractions Bureau without making a court appearance.

Under existing law, unchanged by the bill, motor vehicles with internal combustion engines must be equipped with mufflers that prevent excessive, unnecessary, or unusual noise. The law generally prohibits modifying or using mufflers in a way that causes excessive or unusual noise (CGS § 14-80). By law, motorcycles are motor vehicles (CGS § 14-1(54)).

BACKGROUND

EPA Exhaust System Labels

Federal regulations require motorcycles manufactured on and after January 1, 1983 and the exhaust systems for these motorcycles, to meet certain noise emissions standards. The regulations also require that the manufacturers attach a permanent label to the motorcycle and exhaust system to indicate that each motorcycle and system meets these standards (40 CFR 205, Subparts D and E).

Connecticut Maximum Noise Levels

By state regulation, motorcycles manufactured on and after January 1, 1979 cannot exceed a noise level of 84 decibels (dB) when traveling

over 35 mph on a paved street or highway, or 80 dB when traveling more slowly. A stationary motorcycle cannot exceed 80 dB on a paved road (Conn. Agencies Reg. § 14-80a-4a(d)).

These regulations were adopted under a law that prohibits (1) operating a motor vehicle in a way that exceeds these noise levels and (2) a motor vehicle owner from allowing his vehicle to be operated in excess of these levels. Also, no one may sell or offer to sell a new motor vehicle if it produces a maximum noise level over the level established in regulation. A violation is an infraction (CGS § 14-80a).

Legislative History

The House referred the bill (File 321) to the Finance, Revenue and Bonding Committee, which reported a substitute that added provisions requiring an EPA noise emission control label to be displayed on motorcycles and motorcycle exhaust systems.

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 32 Nay 2 (03/15/2013)

Finance, Revenue and Bonding Committee

Joint Favorable Substitute

Yea 28 Nay 21 (04/12/2013)